

PATENT
Application No. 10/823,160

Docket No. 27702 USA
Page 10

In the Drawings

Applicant encloses revised Figures 1, 3, and 4-6 for the Examiner's review and approval.

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 23 are pending in the application. The Examiner has indicated that claims 7 and 17-23 are allowed, claims 5 and 6 are objected to, and claims 1-4 and 8-16 have been rejected. On page 10 of the Office Action, the Examiner indicated that claim 2 would be allowable if rewritten to overcome the rejection under §112 and to include all the limitations of the base claim and any intervening claims, and that claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the indication of allowable subject matter.

The Objections to the Drawings

On page 2 of the Office Action, the Examiner has objected to several of the figures for various reasons.

Figures 1 and 6 have been amended to correct the misspelling of "Request Signal", as required by the Examiner.

Regarding Figure 3, applicant notes the following. In his objection to Figure 3, the Examiner states that transmittable area 42 behind decorative plating 40 should be removed. However, applicant submits that this area 42 should not be removed because the remaining parts of the decorative cap 32 excluding the ornamental surface 32a are formed as transmittable areas

42 (see page 14, lines 12-16 of the specification). Applicant believes the Examiner has misunderstood that the transmittable area 42 is formed in the part of ornamental surface 32a. In order to clear up the Examiner's misunderstanding, applicant submits that the construction of the transmittable area 42 is formed in a part of the decorative cap (decorative member) 32 excluding the exposed portion having the ornamental surface 32a that is furnished with decorative plating 40. Claims 1, 7, 8, and 13 have been amended to support this explanation.

Regarding Figures 3-5, the reference numeral 32a has been moved near the reference numeral 40 and the line of the reference numeral 32a is drawn from the surface of the decorative cap 32. Applicant submits that the objections to the drawings have been overcome by the amendments made to the figures herein and/or the clarification provided above.

Objections to the Claims

On page 3 of the Office Action, the Examiner objected to claims 1 and 7 for various informalities. Applicant has amended claim 1 in accordance with the Examiner's suggestion. However, claim 7 has been amended as discussed above with regard to the amendment to the figures, and not specifically as suggested by the Examiner, in view of the clarification provided above. Applicant submits that the objections to the claims have been overcome.

The §112 Rejections

On page 3 of the Office Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 1 has been amended to clarify the present invention as noted above, and claim 2 has been canceled.

Claim Rejections, 35 U.S.C. §§ 102 and 103

On page 4 of the Office Action, the Examiner rejected claims 1, 3 and 4 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,181,025 to McConnell et al. ("McConnell"). On page 6 of the Office Action, the Examiner rejected claims 8-16 under 35 U.S.C. §103(a) as being unpatentable over McConnell in view of U.S. Patent No. 6,181,025 to Schweiger et al. ("Schweiger"). On page 5 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Levin, and on page 7 of the Office Action, the Examiner rejected claims 6-8 under 35 U.S.C. §103(a) as being unpatentable over Levin in view of Moghaddam and further in view of Ben-Yacoub, "Multi-Modal Data Fusion for Person Authentication Using SVM," (1998) ("Ben-Yacoub").

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."
MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

Claims 1, 3 and 4 have been rejected as being anticipated by U.S. Patent No. 6,181,025 to McConnell et al. ("McConnell"). Applicant traverses this rejection.

McConnell does not disclose the decorative member including an exposed portion having an ornamental surface that is furnished with decorative plating, and the transmittable area being formed in a part of the decorative member excluding the exposed portion, as now recited in claim 1. Rather, McConnell discloses the bezel 20 that provides a decorative cover when the assembly 10 is attached to structure in the vehicle (see column 3, lines 40-43). Accordingly, applicant believes that amended claim 1, and all claims depending therefrom (claims 3-6) are patentable over McConnell.

Applicant notes that the limitations of objected-to claim 2 have been essentially incorporated into claim 1, although in a slightly different format than originally presented. Applicant's position is that in view of the objection to claim 2 and the subsequent rewriting of claim 1, claim 1 is now allowable for both the reasons set forth above regarding distinctions between rewritten claim 1 and McConnell, and for the reasons set forth in the Examiner's objection to claim 2; however, since claim 2 was not incorporated into claim 1 *verbatim*,

Applicant respectfully requests that the Examiner give substantive consideration to the amended claim to assure that the Examiner is in agreement.

The Cited Prior Art Does Not Render the Claimed Invention Obvious

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

MPEP 2143

Claims 8-16 have been rejected as being unpatentable over McConnell in view of U.S. Patent No. 6,351,206 to Schweiger et al. ("Schweiger"). Applicant traverses this rejection.

Neither McConnell nor Schweiger teach or suggest a decorative member including an exposed portion having an ornamental surface that is furnished with decorative plating, and a ferromagnetic body for amplifying the transponder-driving radio wave; these elements are now explicitly recited in independent claims 8 and 13. That is, neither McConnell nor Schweiger teach or suggest a structure that includes a ferromagnetic body that prevents the generation of an eddy current in the decorative plating 40 of the decorative cap (decorative member) 32. Accordingly, it is respectfully submitted that claims 8-16 are patentable over McConnell and Schweiger, either alone or in combination.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

August 3, 2006
Date

/Mark D. Simpson/
Mark D. Simpson, Esquire
Registration No. 32,942

SYNNESTVEDT & LECHNER LLP
2600 ARAMARK Tower
1101 Market Street
Philadelphia, PA 19107

Telephone: (215) 923-4466
Facsimile: (215) 923-2189